

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

STAR AUTO SALES OF BAYSIDE, INC.  
(d/b/a STAR TOYOTA OF BAYSIDE), STAR  
AUTO SALES OF QUEENS, LLC (d/b/a STAR  
SUBARU), STAR HYUNDAI LLC (d/b/a  
STAR HYUNDAI), STAR NISSAN, INC. (d/b/a  
STAR NISSAN), METRO CHRYSLER  
PLYMOUTH INC. (d/b/a STAR CHRYSLER  
JEEP DODGE), STAR AUTO SALES OF  
QUEENS COUNTY LLC (d/b/a STAR FIAT)  
and STAR AUTO SALES OF QUEENS  
VILLAGE LLC (d/b/a STAR MITSUBISHI),  
Plaintiffs,

-against-

VOYNOW, BAYARD, WHYTE AND COMPANY,  
LLP, HUGH WHYTE, RANDALL FRANZEN AND  
ROBERT SEIBEL,

Defendants.

Civil Action No.:  
1:18-cv-05775-ERK-TAM

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE**, that pursuant to Rule 56(a) of the Federal Rules of Civil Procedure and Local Rule 7.1 of the United States District Courts for the Eastern and Southern Districts of New York, Defendants Voynow, Bayard, Whyte and Company, LLC, Hugh Whyte, Randall Franzen, and Robert Siebel (hereinafter as “Defendants”) respectfully move this Honorable Court for an Order of Summary Judgment as to all claims in the Complaint which are now time-barred pursuant to the statute of limitations. Defendants seek an order of judgment in their favor such that all claims for professional negligence and respondeat superior arising from an alleged failure to detect purported theft or fraud occurring from 2001 through 2014 be dismissed pursuant to summary judgment. In support of this motion, Defendants submit their supporting Memorandum of Law, a Statement of Material Facts, the Declaration of Maureen P. Fitzgerald, Esquire with accompany exhibits, and all the papers and pleadings in this case.

**PLEASE TAKE FURTHER NOTICE**, that pursuant to Local Civil Rule 6.1(b) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, opposition papers must be served within 14 days of service of the moving papers, and reply papers must be served within 7 days of service of the opposition papers.

**MARSHALL DENNEHEY, P.C.**

BY:

  
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JOHN L. SLIMM, ESQUIRE  
MAUREEN P. FITZGERALD, ESQUIRE  
620 Freedom Business Center, Suite 300  
King of Prussia, PA 19406  
(610) 354-8270 Fax (610) 354-8299  
Email: mpfitzgerald@mdwcg.com  
Attorneys for Defendants,  
Voynow, Bayard, Whyte and Company, LLC, Hugh  
Whyte, Randall Franzen, and Robert Siebel

Dated: February 12, 2024

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